UNITED STATES PATENT AND TRADEMARK OFFICE

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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10/20/2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>61-80</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>61-80</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the original filing of October 20, 2003. Claims 61-80

are pending and have been considered below.

Claim Objections

2.   Claim 65, 67, 70, 71 and 74 objected to because of the following informalities:

a.   Claim 65: "OR" should be in lowercase.

b.   Claim 67: "OR" should be in lowercase.

c.   Claim 70: the claim language is missing a period; see MPEP 608.01(m).

d.   Claim 71: "OR" should be in lowercase.

e.   Claim 74: "Constantly" should be in lowercase.

f.   Claim 79: "In", "Displaying", "Automatically" should be in lowercase.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 65 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

5.   Regarding claim 65, the phrase "or the like" renders the claim(s) indefinite

because the claim(s) include(s) elements not actually disclosed (those encompassed by

"or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP

§ 2173.05(d).

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

7.   Claims 61, 68, 69, 74 and 78 are rejected under 35 U.S.C. 102(b) as being

anticipated by DeLeeuw (6,353,450.)

Claim 61: DeLeeuw discloses a computer system comprising:

a. a processor executing a window-based operating system including a network

connection system (processor: Fig. 3: 102; window-based OS: 5:39-47; network

connection system (of processors, bridges, memory, peripherals, etc., i.e. bus

network): Fig. 3: 102, 105, 104, 106, 108, 118, 120, etc.);

b. a network connection device coupled to said processor for facilitating

communication, under the control of said network connection system, with an

electronic network (network connection device: bus master device is inherent to

control the flow of information on the system as disclosed (particularly one

utilizing a Pentium Pro processor (6:56-67) on inherently compatible

motherboard) in Fig. 3); and

c. a display device coupled to said processor for displaying, under the control of

said operating system, a desktop display (Fig. 3: 116; 2:53-3:3);

d. said network connection system being integrated with said operating system

such that activation of said operating system shall cause and include

simultaneous activation of said network connection system (inherent that the bus

master would be activated upon activation of the OS which must use the network

to operate. Fig. 3);

e. said desktop display having a live component for presenting on said desktop

display live information received from a remote computer through, said electronic

network (Fig. 1; 12:42-53: Internet Server);

f. said live component being constantly displayed on said desktop display after said

desktop display be properly set up as desired during a desktop-setup process by

a user (2:53-3:3.)

Claim 68: <u>DeLeeuw</u> discloses the computer system as set forth in Claim 61, wherein an

application program is executed by said processor, said application program's display

content being included and contained within a window, and wherein said window is

visually transparent (application: Fig. 10: 502; 2:53-60.)

Claim 69: <u>DeLeeuw</u> discloses the computer system as set forth in Claim 68, wherein

only a predefined portion of said window is visually transparent (2:60-63.)

Claim 74: <u>DeLeeuw</u> discloses a method adopted for use in a computer system, said

computer system having a processor executing an operating system including a

network connection system, a network connection device coupled to said processor for

facilitating communication, under the control of said network connection system, with an

electronic network, a display device coupled to said processor for displaying, under the

control of said operating system, a desktop display, (processor: Fig. 3: 102; window-

based OS: 5:39-47; network connection system (of processors, bridges, memory, .

peripherals, etc:, i.e. bus network): Fig. 3: 102, 105, 104, 106, 108, 118, 120, etc.) said

method comprising the steps of:

   a. Constantly displaying on said desktop display a live component after said

   desktop display be properly set up as desired during a desktop setup process by

   a user (2:53-3:3);

   b. said network connection system being integrated with said operating system

   such that activation of said operating system shall cause and include

   simultaneous activation of said network connection system (inherent that the bus

   master would be activated upon activation of the OS which must use the network

   to operate. Fig. 3);

   c. said live component including live information received from a remote computer

   through said electronic network (Fig. 1; 12:42-53: Internet Server.)

Claim 78: <u>DeLeeuw</u> discloses the method as set forth in Claim 74, wherein an application program is executed by said processor, said application program's display content being included and contained within a window, and wherein said window is visually transparent (application: Fig. 10: 502; 2:53-60.)

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over <u>DeLeeuw</u>.

Claim 62: <u>DeLeeuw</u> discloses the computer system as set forth in Claim 61. However, the Examiner considers it immaterial what kind of live information is displayed from an Internet Server (12:43-53) and that it would have been obvious to one having ordinary skill in the art at the time the invention was made that the live information displayed would pertain to a live news report. One would have been motivated to display live information pertaining to live news report because news reports are notoriously ubiquitous form of live information available.

10.   Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over

DeLeeuw, in view of Rathbone (Windows® XP for Dummies®; Microsoft® Outlook®.)

Claim 63: DeLeeuw discloses the computer system as set forth in Claim 61. However,

DeLeeuw does not explicitly disclose wherein said live information pertains to number of

emails received. Rathbone discloses a similar application and system wherein live

information pertains to the number of emails received (unread, page 234, Figure 12-9.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to display the number of emails received (unread) by combining

the disclosure in DeLeeuw with Microsoft Outlook splash screen (page 234) in the

manner suggested in DeLeeuw (12:43-51; "Referring back to FIG. 10, application

program 502 may be designed to provide any desired functionality for a user." "The

application program may interact with other application programs (not shown) and the

operating system software (not shown) being executed by the processor of the

computer system.") One would have been motivated to combine the references based

on the explicit suggestion in DeLeeuw so as to provide to the user with an often

requested for information (number of emails received.)

11.   Claims 64, 65, 66, 67, 70, 71, 72 and 73 are rejected under 35 U.S.C. 103(a) as

being unpatentable over DeLeeuw, in view of Lewis (5,990,862.)

Claim 64: DeLeeuw discloses the computer system as set forth in Claim 61, further

comprising an input pointing device (input device: 7:10) coupled to said processor,

wherein a pointing-device indicator (cursor: 1:12-26) for representing functioning and

user manipulation of said input pointing device is displayed on said display device.

However, DeLeeuw does not disclose explicitly wherein said pointing-device indicator is

in a leaping mode in which said pointing device indicator leaps from item to item in

response to receiving an input-indicator movement command signal from said input

pointing device, said item being displayed on said display device. Lewis discloses a

similar computer system for a user interface using a pointing device wherein a pointing-

device indicator (cursor) is in a leaping mode (jumping mode: 2:8-28) in which said

pointing device indicator leaps (jumps) from item to item in response to receiving an

input-indicator movement command signal from said input pointing device, said item

being displayed on said display device. Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to include a leaping

mode (jumping) from Lewis for cursor control in DeLeeuw. One would have been

motivated to include the leaping mode (jumping) so as to greatly increase the ease and

efficiency in selection, and decrease the likelihood of error in selection for use of a

pointing device (1:52-61.)

Claim 65: DeLeeuw and Lewis disclose the computer system as set forth in Claim 64;

DeLeeuw further discloses wherein the said item comprises a text-based web link or the

like, a graphic web link or the like, a file name, a file icon or the like, a file shortcut

name, file shortcut icon, a folder name, a folder icon, a folder shortcut name, a folder

shortcut icon, an application program name, an application program icon, an application

program shortcut name, an application program shortcut icon, a tool bar button of an

application program, a pull-down menu or the like, a window-close button, a window-

resizing button, a text input field or the like, a command-input filed or the like, an edge of

a window, OR, corner of a window (17:51-18:10.)

Claim 66: DeLeeuw and Lewis disclose the computer system as set forth in Claim 64;

DeLeeuw further discloses wherein said item is associated with a computer command

that causes said computer system to perform a user-desired computer action after such

item is clicked on by the user using said input pointing device (17:51-18:10.)

Claim 67: DeLeeuw and Lewis disclose the computer system as set forth in Claim 66;

DeLeeuw further discloses wherein said computer action comprises an action of

accessing a web site or web page, opening a file, opening a file folder, executing an

application program, expanding an expandable menu, executing a command of an

application program, executing a command of said computer system's operating

system, causing a text cursor to be located within a text-input box or a command-input

box, resizing a window, OR of closing a window (17:51-18:10.)

Claim 70: DeLeeuw discloses a computer system comprising:

     a. a processor executing a window-based operating system (processor: Fig. 3: 102;

       window-based OS: 5:39-47);

     b. an input pointing device coupled to said processor (input device: 7:10); and

     c. a display device coupled to said processor (Fig. 3: 116; 2:53-3:3,) wherein

     d. a pointing-device indicator for representing functioning and user manipulation of

       said input pointing device is displayed on said display device (1:12-26,)

However, DeLeeuw does not explicitly disclose said pointing device indicator being in a

leaping mode in which said pointing device indicator leaps from item to item in response

to receiving an input-indicator movement command signal from said input pointing

device, said item being displayed on said display device. Lewis discloses a similar

computer system for a user interface using a pointing device wherein a pointing-device

indicator (cursor) is in a leaping mode (jumping mode: 2:8-28) in which said pointing

device indicator leaps (jumps) from item to item in response to receiving an input-

indicator movement command signal from said input pointing device, said item being

displayed on said display device. Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to include a leaping mode

(jumping) from Lewis for cursor control in DeLeeuw. One would have been motivated to

include the leaping mode (jumping) so as to greatly increase the ease and efficiency in

selection, and decrease the likelihood of error in selection for use of a pointing device

(1:52-61.)

Claim 71: DeLeeuw and Lewis disclose the computer system as set forth in Claim 70;

DeLeeuw further discloses wherein said item is associated with a computer command

that causes said computer system to perform a user-desired computer action after such

item is clicked on by the user using said input p0intj.n.g device, and wherein said

computer action comprises an action of accessing a web page, opening a file, opening

a file folder, executing an application program, expanding an expandable menu,

executing a command of an application program, executing a command of said

computer system's Operating System, causing a text cursor to be located within a text-

input box or a command-input box, resizing a window, OR of closing a window (17:51-

18:10.)

Claim 72: DeLeeuw and Lewis disclose the computer system as set forth in Claim 70;

DeLeeuw further discloses said system comprising:

   a. a network connection device coupled to said processor for facilitating

      communication, under the control of a network connection system, with an

      electronic network, said network connection system being integrated with said

      operating system such that activation of said operating system shall cause and

      include simultaneous activation of said network connection system (network

      connection system (of processors, bridges, memory, peripherals, etc., i.e. bus

      network): Fig. 3: 102, 105, 104, 106, 108, 118, 120, etc.; inherent that the bus

      master would be activated upon activation of the OS which must use the network

      to operate. Fig. 3); wherein

b. a desktop display is displayed on, said display device (Fig. 3: 116; 2:53-3:3);

c. said desktop display having a live component for presenting on said desktop

display live information received from a remote computer through said electronic

network (Fig. 1; 12:42-53: Internet Server);

d. said live component being constantly displayed on said desktop display after said

desktop display be properly set up as desired during a desktop-setup process by

a user (2:53-3:3.)

Claim 73: DeLeeuw and Lewis disclose the computer system as set forth in Claim 70;

DeLeeuw further discloses wherein an application program is executed by said

processor, said application program's display content being included and contained

within a window, and wherein said window is visually transparent (application: Fig. 10:

502; 2:53-60.)

12.   Claims 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable

over DeLeeuw, in view of Bowden (5,588,107) and in further view of Lewis.

Claim 79: DeLeeuw discloses the method as set forth in Claim 74, wherein a pointing-

device indicator (1:14) and a menu (17:51-18:10) are displayed on said display device;

DeLeeuw, however, does not teach that said menu is expandable. Bowden discloses a

similar system for menu driven control wherein selectable menus are expandable to

otherwise provide access to tools, options, features and controls (Abstract.) Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention

was made to use expandable menus. One would have been motivated to provide

expandable menus because users are familiar and accustomed to such a user interface

element, and it is a space efficient access to elements for user interface control

(Abstract.) DeLeeuw further teaches said pointing-device indicator being provided for

representing functioning and user manipulation of an input pointing device said method

further comprising the steps of:

    a. in response to receiving a user-input command from said input pointing device,

        displaying said menu in its expanded mode on said display device such that a

        plurality of items included in said menu are displayed on said display device

        (17:51-18:10.)

However, DeLeeuw does not disclose the step of automatically causing said pointing-

device indicator to be visibly located on said expanded menu without receiving further

instruction from said input pointing device. Lewis discloses a similar computer system

for a user interface including the step of automatically causing said pointing-device

indicator to be visibly located on said expanded menu without receiving further

instruction from said input pointing device (2:10-13; located: "remapped" expanded

menu: "selectable on screen choices".) Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to automatically cause

said pointing-device indicator to be visibly located on said expanded menu without

receiving further instruction from said input pointing device as disclosed in Lewis to

cursor control in DeLeeuw. One would have been motivated to locate the pointing-

device indicator (cursor) on the menu item without further user input so as "to decrease

the likelihood of error in selecting an onscreen object" (1:60-61, Lewis.)

Claim 80: DeLeeuw and Lewis disclose the computer system as set forth in Claim 79.

However, DeLeeuw does not further disclose the system further comprising the step of

causing said input pointing device to be in a local mode such that said input pointing

device's movement is restricted within said expanded menu. Lewis discloses a similar

computer system for a user interface including the step of causing said input pointing

device to be in a local mode such that said input pointing device's movement is

restricted within said expanded menu (2:13-15; expanded menu "selectable on screen

choices.") Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to cause said input pointing device to be in a local

mode such that said input pointing device's movement is restricted within said expanded

menu as disclosed in Lewis to cursor control in DeLeeuw. One would have been

motivated to utilize the "local mode" so as "to decrease the likelihood of error in

selecting an onscreen object" (1:60-61, Lewis.)

13.   Claims 75, 76 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable

over DeLeeuw, in view of Lewis and in further view of Nagahara et al., (5,896,123.)

Claim 75: DeLeeuw discloses the method as set forth in Claim 74, wherein a pointing-

device indicator (cursor, 1:12-26) for representing functioning and user manipulation of

an input pointing device is provided and displayed on said display device, wherein at least one item is displayed on said display device.

However, DeLeeuw does not disclose said pointing-device indicator being in a leaping mode. Lewis discloses a similar computer system for a user interface using a pointing device wherein a pointing-device indicator (cursor) is in a leaping mode (jumping mode: 2:8-28) in which said pointing device indicator leaps (jumps) from item to item in response to receiving an input-indicator movement command signal from said input pointing device, said item being displayed on said display device. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a leaping mode (jumping) from Lewis for cursor control in DeLeeuw. One would have been motivated to include the leaping mode (jumping) so as to greatly increase the ease and efficiency in selection, and decrease the likelihood of error in selection for use of a pointing device (1:52-61.)

Although, DeLeeuw does not disclose the said method further comprising the steps of,

    a. in response to receiving an input-indicator movement command signal from said input pointing device for representing a user's instruction of moving said pointing-device indicator situated at a current position on said display toward a first direction;

    b. determining, based on a predefined factor, whether a first item displayed on said display device is an item desired to be located by the user, and

    c. in response to a determination that said first item is said item desired to be located by said user, causing said pointing-device indicator to move to said first item without receiving further input-indicator movement command from said input pointing device.

Nagahara discloses a similar method for cursor control comprising the steps of,

    a. in response to receiving an input-indicator movement command signal from said input pointing device for representing a user's instruction of moving said pointing-device indicator situated at a current position on said display toward a first direction (Abstract);

    b. determining, based on a predefined factor, whether a first item displayed on said display device is an item desired to be located by the user (Abstract), and

    c. in response to a determination that said first item is said item desired to be located by said user, causing said pointing-device indicator to move to said first item without receiving further input-indicator movement command from said input pointing device (Abstract, 2:10-24)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize relocation of the cursor independently to a user desired item based on a determination of a predefined factor (pre-set area around the item) in the disclosure by DeLeeuw. One would have been motivated to utilize such a cursor control mechanism so as to improve operability (Abstract, Nagahara) and facilitate correct cursor movement (2:38-43, Nagahara.)

Claim 76: <u>DeLeeuw,</u> <u>Lewis</u> and <u>Nagahara</u> disclose the method as set forth in Claim 75. <u>DeLeeuw</u> further discloses wherein said first item is associated with a computer command that causes said computer system to perform a user-desired computer action after such item is clicked on by said user using said input pointing device (17:51-18:10.)

Claim 77: <u>DeLeeuw,</u> <u>Lewis</u> and <u>Nagahara</u> disclose the method as set forth in Claim 75. <u>DeLeeuw</u> further discloses wherein an application program is executed by said processor, said application program's display content being included and contained within a window, and wherein said window is visually transparent (application: Fig. 10: 502; 2:53-60.)

Conclusion

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB
March 8, 2007

James W. Myhre
Supervisory Primary Examiner